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Under the heading "States" will be found a list of acts of Congress consenting to state laws levying tonnage taxes, but none consenting to state laws imposing duties for the purpose of carrying out inspection laws, and since Peters' Index is likewise silent with reference to such laws, we must infer that the right reserved by the constitution, subject to the consent of Congress, was never exercised. A similar inference must be drawn with reference to agreements between the states, of which only one, a boundary agreement between New York and New Jersey, is found in the Index.

The table of repeals and amendments has not been consolidated for the whole period from 1789 to 1907, so that the two Indices will have to be consulted in every case. Again it is proper to heed the warning of the authors that no attempt has been made to deal with implied repeals and amendments. This, as well as the omission to refer to officers plainly implied, but not expressly named in a statute (to which attention has been called in the notice of the first volume), the authors claim to be a necessary limitation of a work while in a sense official, is yet not authoritative. The freedom of a private work has in this respect its advantages, though it would be impossible to achieve absolute accuracy and completeness in attempting to cover matters which rest on inference and construction.

The main features of the present volume are the same as those of the preceding one, and deserve the same commendation.

E. F.

*Race Distinctions in American Law.* By GILBERT T. STEPHENSON. (New York: D. Appleton & Co., 1910. Pp. xv., 388.)

This is the first thorough-going attempt to describe, from the strictly legal standpoint, the various phases of the American race problem. It reveals a surprising number and variety of legal distinctions found in all parts of the United States and in the insular possessions, arising from the contact of the Caucasian with the African and the Oriental races. The period covered is principally from the enactment of the "Black Laws" of the Reconstruction period to the present time. The most important topics dealt with are civil rights of negroes, separation of races in schools and in public conveyances, and the application of suffrage laws to negroes.

Mr. Stephenson carefully distinguishes between race distinctions and race discriminations. He shows that the former are found wherever the races live side by side in nearly equal numbers, and are therefore indicative of a universal human trait, which is due, he thinks, not to a feeling of race superiority but of race difference. The law, therefore, should not blindly run counter to this feeling, but should recognize it as a conditioning factor. Race discriminations, on the other hand, should be obliterated for the best interests of all.

The work is primarily concerned, however, not with recommendations as to the proper legal determination of the relations between the races, but with a faithful and painstaking presentation of race distinctions as actually found in the law. The study of such distinctions contained in the state constitutions and statutes brings to light a great mass of unconscious testimony upon the race question. There are, it is true, a great many facts, customs, and practices having an important bearing upon the race problem, which cannot be discovered by reference to legal documents, but must be gathered through observation of actual life. Some race distinctions are so strongly intrenched in custom that a law is neither enacted nor needed to enforce them, and they would, therefore, escape an investigator confining himself to legal records. The author of the work under review professes to confine himself to race distinctions found in the law, but he does not consistently follow this course. He describes, for example, the separation of races in churches, which is not enforced by law. Nor, although he gives a formal definition of a race distinction in the law, does he make it clear what he understands by a *legal* distinction. A statute prescribing a race distinction is not conclusive but only *prima facie* evidence that such a distinction exists, for it may not be enforced. On the other hand, a law may, in terms, make no reference to race distinctions, yet the administrative officers having charge of its enforcement may apply it differently as regards different races. Whether, in either or both of these cases, a legal distinction exists, Mr. Stephenson does not make clear.

As a discussion of actual race distinctions existing in America, the work would be considered inadequate from the standpoint of the sociologist; but as a description of the extent to which race distinctions have been formally recognized in the law, it is thorough, dispassionate and trustworthy. It will undoubtedly prove valuable as furnishing for the study of comparative race legislation a résumé of the racial

experience crystallized into law of that nation in which there has been the most important and extensive contact between widely different races.

J. M. MATHEWS.

*Police Administration. A Critical Study of Police Organizations in the United States and Abroad.* By LEONHARD FELIX FULD. (New York: G. P. Putnam's Sons, 1909. Pp. xv, 551.)

The purpose of this volume, as announced by the author, is to deal with the administrative organization for police purposes in the widest sense. He therefore includes within the scope of the term "administrative police" not only the police department, as ordinarily understood in America, but also such other administrative organs for the promotion of the internal public welfare as those for health and sanitation, building inspection and fire protection. While this is a perfectly proper conception of the police function it at once marks Doctor Fuld's undertaking as an ambitious one. The field chosen is very broad, and, as the author indicates in the preface, no previous attempt has been made "to present a logical exposition of the problems of police administration."

In addition to the ordinary problems of organization and administration an effort has been made to state the legal principles involved in the various phases of police considered. If, under these circumstances, the author has fallen short at many points in the task which he has set for himself he is to be criticised rather for lack of judgment in attempting too much than for failure completely to accomplish the impossible. However, in spite of many shortcomings, the book is a useful one and it is to be hoped that Doctor Fuld will continue his work in this field where careful investigation is so much needed.

The portions of the book which deal with administrative organization for police purposes, beyond the ordinary American meaning of the term, may be dismissed without much consideration. Police organization for purposes of health and sanitation is inadequately treated. Building inspection and regulation for the prevention of physical injury due to faulty construction secures even less attention. And, strangely enough, fire departments, which are the most highly developed and efficient of our American police organizations are passed over summarily.